

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION

DAVETTE ESPARZA,

**Plaintiff,**

v.

BANK OF AMERICA CORPORATION

**Defendant.**

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**CASE NUMBER: 3:12-CV-00662-D**

**PLAINTIFF'S MOTION FOR EXTENSION OF  
TIME TO FILE RESPONSE IN OPPOSITION TO  
DEFENDANTS' MOTION FOR SUMMARY JUDGMENT**

Plaintiff Davette Esparza files this Motion for a one week extension of time to file a response to Defendant's Motion for Summary Judgment, and in support of the Motion would show the Court:

1. Despite diligent efforts, Plaintiff has not finished the response to Defendant's Motion for Summary Judgment. Due to the confluence of other deadlines and the failure to accurately estimate the time it would take to prepare a competent response, counsel's brief in opposition is not fit to be filed.

2. Given the importance of summary judgment practice in employment cases, plaintiff desires to competently brief the issues for the benefit of the Court and the parties.

**CERTIFICATE OF CONFERENCE**

3. Plaintiff counsel has not conferred with defendant's counsel because the decision to seek additional time to file a dispositive motion was made after business hours. Plaintiff will

confer promptly and advise the Court whether this motion is opposed or unopposed.

4. The trial in this case is presently set for May 2012.

5. This motion is brought in the interest of justice because plaintiff's counsel believes that a Motion for Partial Summary Judgment will benefit the Court and the parties by simplifying the issues and not for any improper purpose or delay.

Wherefore, Plaintiff prays that the Court grant his motion to extend the time to file a response brief to Monday, January 14, 2013, or one day after an order is entered granting the extension or such shorter time as the Court may allow.

Respectfully submitted,

s/ N. Sue Allen

N. Sue Allen, SBOT 00791992

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### **CERTIFICATE OF SERVICE**

The undersigned hereby certifies that on January 7, 2012, the foregoing instrument was served via the Court's ECF filing system to:

Mr. Brian Patterson  
McGuireWoods  
600 Travis, Suite 7500  
Houston, Texas 77002

s/N. Sue Allen

N. Sue Allen